

### **Remarks**

In response to the Office Action mailed on March 24, 2010, Applicants respectfully request reconsideration in view of the following remarks. In the present application, claims 1 and 50 have been amended for clarification and claims 48, 53-59 and 65 have been canceled without prejudice or disclaimer. Support for the amended claims may be found at least in the aforementioned canceled claims, claim 51, and on page 6, lines 10-25 in the Specification. No new matter has been added.

In the Office Action, claims 1, 43-47, 49 and 50 are rejected under 35 U.S.C. § 101 as being allegedly directed to non-statutory subject matter. Claims 1, 43-49 and 52 are rejected under 35 U.S.C. § 102(a and e) as being allegedly anticipated by Welsh et al. (US 6,757,691, hereinafter “Welsh”). Claims 50, 51 and 53-67 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Welsh in view of Cerrato (US 7,092,296).

### **Claim Rejections - 35 U.S.C. §101**

In the Office Action, claims 1, 43-47, 49 and 50 are rejected as being allegedly directed to non-statutory subject matter. The rejection of these claims is respectfully traversed.

Independent claims 1 and 50 have been amended to recite method steps which are performed by a computer. Support for this amendment may be found in canceled claim 48 and on page 6, lines 10-25 in the Applicant’s Specification. Based on the aforementioned amendments, the steps of “providing,” “detecting,” “dynamically matching,” “identifying,” “processing,” “providing,” “comparing” and “generating” are tied to a particular apparatus (i.e., a computer). Claims 43-47 and 49 depend from claim 1 and thus recite at least the same

features. Therefore, claims 1, 43-47, 49 and 50 recite statutory subject matter under 35 U.S.C. §101 and the rejection of these claims should be withdrawn.

### **Claim Rejections - 35 U.S.C. §102(a and e)**

Claims 1, 43-49 and 52 are rejected as being as being allegedly anticipated by Welsh. Claim 48 has been canceled without prejudice or disclaimer rendering the rejection of this claim moot. The rejection of the remaining claims is respectfully traversed.

Amended independent claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, “providing, by a computer, a database containing a plurality of user input pattern profiles representing a group of users of a terminal device, wherein each user of the group is associated with one of the plurality of user input pattern profiles,” “dynamically matching, by the computer, the user input pattern of the current user with one of the user input pattern profiles contained in the database,” and “identifying, by the computer, the current user based upon dynamic matching of the user input pattern generated by the current user with one of the user input pattern profiles.” Amended independent claim 52 recites similar features.

Welsh discusses a predictive content system which monitors user viewing and purchasing patterns and collects and stores all relevant data, utilizing clickstream tagging. A clickstream is a stream of user keystrokes, mouse clicks, and/or remote control button activations. User decisions in a clickstream form patterns from which preferences and interests can be inferred. Detected patterns are encoded and stored in an archived version of the clickstream. Based on the relevant data that is collected and stored, the predictive content system distributes user viewing and purchasing patterns into psychographic profiles to generate a master set of psychographic profiles. The psychographic profiles are independent of particular users. (Emphasis added.)

That is, a psychographic profile does not identify a user, but rather identifies viewing and purchasing patterns that may be exhibited by any number of users. (Emphasis added.) Each psychographic profile describes a unique combination of user viewing and purchasing patterns that fall within that psychographic profile. A symbolic or numeric psychographic identifier (PID) may be associated or linked with a particular psychographic profile. (See col. 7, line 14 through col. 8, line 43.)

Welsh fails to teach a database containing a plurality of user input pattern profiles representing a group of users of a terminal device, wherein each user of the group is associated with one of the plurality of user input pattern profiles, as recited in amended claim 1. In contrast, Welsh discusses storing clickstream patterns (i.e., “Detected patterns are encoded and stored in an archived version of the clickstream”), not pattern profiles. For example, Welsh fails to discuss the storing of psychographic profiles. Instead, Welsh discusses that psychographic profiles are distributed based on the collected and stored data and used to generate a master set of psychographic profiles. Thus, Welsh fails to teach a database containing user input pattern profiles (each associated with an individual user in a group).

Welsh also fails to teach dynamically matching, by the computer, the user input pattern of the current user with one of the user input pattern profiles contained in the database. As discussed above, Welsh fails to teach a database containing user input pattern profiles. Furthermore, Welsh only discusses the mapping of psychographic profiles to one or more categories of content choices (e.g., if the profile includes “likes Disney movies” + “likes animals” + “likes mountains” THEN recommend content=“Disney movies-involving-multiple-animals-in-the-mountains.”). (See col. 8, lines 46-58.) Thus, Welsh appears to only discuss

the mapping of psychographic profiles to categories and not the dynamic matching of user input patterns to user input pattern profiles contained in a database.

Welsh also fails to teach identifying, by the computer, the current user based upon dynamic matching of the user input pattern generated by the current user with one of the user input pattern profiles. In contrast, Welsh specifically discusses that psychographic profiles are independent of particular users and thus, said profiles do not identify a user, but rather identify viewing and purchasing patterns that may be exhibited by any number of users. Thus, since amended claim 1 specifies the use of user input pattern profiles to identify a current user and Welsh specifically discusses that psychographic profiles are independent of and do not identify users, it is respectfully submitted that Welsh fails to teach this claimed feature.

Welsh would not have led to the claimed invention because these references fail to at least teach “providing, by a computer, a database containing a plurality of user input pattern profiles representing a group of users of a terminal device, wherein each user of the group is associated with one of the plurality of user input pattern profiles,” “dynamically matching, by the computer, the user input pattern of the current user with one of the user input pattern profiles contained in the database,” and “identifying, by the computer, the current user based upon dynamic matching of the user input pattern generated by the current user with one of the user input pattern profiles.” Accordingly, independent claims 1 and 52 patentably distinguish the claimed invention over the cited reference, and Applicants respectfully request withdrawal of the current rejection of these claims. Dependent claims 43-47 and 49 also patentably distinguish the claimed invention over Welsh at least for the reasons described above regarding independent claim 1 and by virtue of their dependencies upon the aforementioned claim. Accordingly, Applicants respectfully request withdrawal of the current rejection of these dependent claims.

### **Claim Rejections - 35 U.S.C. §103(a)**

Claims 50, 51 and 53-67 are rejected as being as being allegedly unpatentable over Welsh in view of Cerrato. Claims 53-59 and 65 have been canceled without prejudice or disclaimer rendering the rejection of these claims moot. The rejection of the remaining claims is respectfully traversed.

Amended independent claim 50 is patentably distinguishable over the cited art for at least the reason that it recites, for example, “using one or more of a Bayes classifier algorithm and an affinity-day part algorithm to generate the plurality of user input pattern profiles.” Amended independent claim 51 and dependent claims 60-64 and 66-67 recite similar features.

The combination of Welsh and Cerrato fails to teach, disclose, or suggest at least the aforementioned features. For example, Welsh (discussed above) is silent with respect to at least the use of a Bayes classifier algorithm and an affinity-day part algorithm to generate a plurality of user input pattern profiles. Furthermore, Cerrato fails to cure the deficiencies of Welsh. For example, Cerrato discusses the use of a clickstream algorithm for detecting current input patterns from the use of a terminal device and dynamically matching the current input patterns with user input pattern profiles. Cerrato further discusses that a possible user associated with a matched user input pattern profile is selected as the current user. (See col. 1, lines 45-58 and col. 4, line 25 through col. 5, line 60.) Cerrato however, is silent with respect to using one or more of a Bayes classifier algorithm and an affinity-day part algorithm to generate the plurality of user input pattern profiles. In contrast, Cerrato is only limited to a clickstream algorithm.

The combination of Welsh and Cerrato would not have led to the claimed invention because these references fail to at least teach, disclose, or suggest “using one or more of a Bayes classifier algorithm and an affinity-day part algorithm to generate the plurality of user input

pattern profiles.” Accordingly, claims 50, 51, 60-64 and 66-67 patentably distinguish the claimed invention over the cited references, and Applicants respectfully request withdrawal of the current rejection of these claims.

### **Conclusion**

The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. Thus, the claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention embodiments, as amended, are neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,

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